



PTO/SB/01A (10-00).

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	COMPOSITIONS AND METHODS FOR REGULATING ENDOGENOUS INHIBITOR OF ATP SYNTHASE, INCLUDING TREATMENT FOR DIABETES
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or
 Application No. 10/083,815, filed on February 27, 2002,
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Christen Marie Anderson Citizen of: US

Signature: Christen Marie Anderson Date: 4/16/02

Inventor two: William Clevenger Citizen of: US

Signature: William Clevenger Date: 4/16/02

Inventor three: _____ Citizen of: _____

Signature: _____ Date: _____

Inventor four: _____ Citizen of: _____

Signature: _____ Date: _____

Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box → +

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PTO/SB/81 (10-00)

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**ELECTION AND POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	10/083,815
Filing Date	February 27, 2002
First Named Inventor	Christen M. Anderson
Group Art Unit	
Examiner Name	
Attorney Docket Number	660088.435C2

I hereby appoint:

Practitioners at Seed IP Law Group PLLC

OR

Practitioner(s) named below:



00500

PATENT TRADEMARK OFFICE

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

Name	Registration Number

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

As assignee of record of the entire interest I/we hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

SIGNATURE of Applicant or Assignee of Record

Name	Thomas G. Sanders, Ph.D., Vice President of Business Development
Signature	
Date	April 16, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

268741 [01-14-01]



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PTO/SB/96 (08-00)

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Christen M. Anderson and William Clevenger

Application No./Patent No.: 10/083,815 Filed/Issue Date: February 27, 2002

Entitled: **COMPOSITIONS AND METHODS FOR REGULATING ENDOGENOUS INHIBITOR
OF ATP SYNTHASE, INCLUDING TREATMENT FOR DIABETES**

MitoKor a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership,
university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the
current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

April 16, 2002 Thomas G. Sanders, Ph.D.
Date Typed or printed name

Thomas G. Sanders
Signature

Vice President of Business Development

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Docket No. 660088.435C2

268746 [09-14-01]

ASSIGNMENT

WHEREAS, we, Christen M. ANDERSON and William CLEVINGER (hereinafter referred to as ASSIGNEES), having mailing addresses of 756 Poinsettia Park South, Encinitas, California 92024, and 3544 Windsor Road, Oceanside, California, 92056, respectively, are the joint inventors of an invention entitled "COMPOSITIONS AND METHODS FOR REGULATING ENDOGENOUS INHIBITOR OF ATP SYNTHASE, INCLUDING TREATMENT FOR DIABETES," as described and claimed in the specification for which an application for United States letters patent was filed on February 27, 2002 and assigned Application No. 10/083,815. This application is a continuation-in-part of U.S. Application No. 09/796,076, filed February 27, 2001, which is a continuation-in-part of U.S. Application No. 09/709,189, filed November 10, 2000, which application claims the benefit of Provisional Application No. 60/164,622, filed November 10, 1999.

WHEREAS, MitoKor (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 11494 Sorrento Valley Road, San Diego, California 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNEES hereby sell, assign and transfer unto said ASSIGNEE the ASSIGNEES' entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNEES had this assignment, transfer and sale not been made. ASSIGNEES hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNEES agree to execute all instruments and documents required for the making and prosecution of applications

for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date 4/16/02

Christen M. Anderson

State of California)
County of San Diego)

ss.

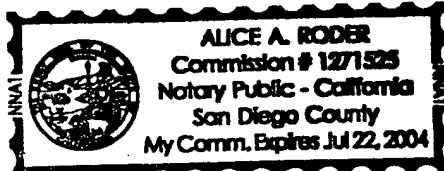
I certify that I know or have satisfactory evidence that Christen M. Anderson is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated April 16, 2002

Signature of
Notary Public Alice A. Roder

Printed Name Alice A. Roder

My appointment expires July 22, 2004



Date 4/11/02

William Clevenger

State of California)
County of San Diego)

ss.

I certify that I know or have satisfactory evidence that William Clevenger is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated April 11, 2002

Signature of
Notary Public Alice A. Roder

Printed Name Alice A. Roder

My appointment expires July 22, 2004

